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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/208,942	12/10/1998	RICHARD G KETCHUM	09857/009001	8833
26161	7590	05/23/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/208,942

Applicant(s)

KETCHUM ET AL.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is the answer to the Amendment filed on January 17, 2006, which paper has been placed of record in the file.
2. Claims 1-33 are pending in this application.

### ***Response to Arguments/Amendment***

3. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gary, U.S. Patent No. 6,618,707, in view of Martyn, U.S. Patent No. 6,195,647.

Regarding to claim 1, Gary discloses a method for quoting securities in a market maker quotation system, executed over a networked computer system, the method comprising:

posting, at least one quote reflecting at least one of a bid and offer price for a security to reflect a proprietary position of a market maker type of participant (column 7,

lines 9-12, Primary market makers (PMMs) and competitive market makers (CMMs) post professional orders); and

posting for display in the market, using a separate quote reflecting at least one of a bid and/or offer price for the security to reflect a customer order or interest (column 7, lines 12-15, market markers post FARMM orders).

Gary does not disclose displaying quotes reflecting proprietary position and separate quotes reflecting customer order in the market. However, Martyn discloses displaying quotes in the market (figures 4 and 6). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to modify Gary's to adopt the teaching of Martyn's above for the purpose of providing more convenient and easier for the traders to monitor and track the market prices in order to make decision in trading.

Regarding to claim 2, Gary further discloses wherein posting for the proprietary account comprises: entering quotes for bids and offers into a quote system; and sending the quotes to a server that disseminates the bid and offer quotes from the market maker, along with quotes for the same security from other market makers (column 7, lines 45-65, professional orders and quotations are communicated to the exchange 1).

Regarding to claim 3, Gary does not disclose wherein quotes by the market maker and the plurality of other market makers are identified by unique market maker identifiers. However, Martyn discloses quotes by the market maker and the plurality of other market makers are identified by unique market maker identifiers (see figures 4,

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item 4060). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to modify Gary's to adopt the teaching of Martyn's above for the purpose of providing more convenient and easier for the market maker to monitor and identify the quotes of other market makers.

Regarding to claim 4, Gary further discloses wherein posting in response to a client order comprises: entering an order for a security and reflecting that as a bid quote and/or an offer quote into the quote system over a different session of the quote system than posting of quotes for the proprietary account; and sending the agency quote to a server that disseminates that agency quote (column 7, lines 410-65, market makers enter professional orders and quotations, the professional orders and quotations are communicated to the exchange 1). Gary does not disclose displaying and representing the agency quote by a unique agency identifier with other quotes for the same security from the plurality of other market makers. However, Martyn discloses displaying and representing the agency quote by a unique agency identifier with other quotes for the same security from the plurality of other market makers (figures 4 and 6). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to modify Gary's to adopt the teaching of Martyn's above for the purpose of providing more convenient and easier for the market maker to monitor and identify the quotes of other market makers.

Regarding to claim 5, Martyn discloses wherein each agency quote that is entered by the market maker is identified with a unique market maker agency identifier that is comprised of the market maker's identification (see claim 3 above). Martyn does

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not disclose a symbol adjacent the market maker's identification indicating that the quote is an agency quote. However, placing a symbol adjacent an identification indicating a special identification is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to modify Martyn's market markers' identification to incorporate the well known feature above, for the purpose of providing more convenient and easier for the market maker to monitor and identify the quotes of other market makers.

Regarding to claim 6, Martyn further discloses wherein posting for a proprietary account further comprises: using a unique market maker identifier for the market maker that is different from market maker identifiers for other market makers, and wherein posting in an agency account further comprises: using a unique market maker agency identifier for the agency quote that is posted by the market maker that is different from market maker agency identifiers for other market makers (see claim 3 above).

Regarding to claim 7, Gary and Martyn further discloses receiving posted proprietary quotes and agency quotes by a server that disseminates quotes for display from the market maker and other market makers for the same security (see claim 4 above).

Regarding to claim 8, Martyn further discloses disseminating for display the bid and ask proprietary quotes from the market maker to the other market makers and the public for the security, identifying the bid and ask proprietary quotes by the unique market maker identifier; and sending the bid and/or ask separate quotes, the separate quotes identified by a market maker agency identifier, from customers of the market

maker to the other market makers and the public for the security (figures 4 and 6).

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to modify Gary's to adopt the teaching of Martyn's above for the purpose of providing more convenient and easier for the market maker to monitor and identify the quotes of other market makers.

Regarding to claim 9, Martyn further discloses wherein disseminating quotes comprises: sorting the quotes by best bid and best offer so that a public display of the quotes displays the best bid and best offer quotes on the top of the display (figures 4, 6 and column 7, lines 3-10). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to modify Gary's to adopt the teaching of Martyn's above for the purpose of providing more convenient and easier for the market maker to monitor and identify the quotes of other market makers.

Claim 10 contains similar limitations found in claims 1, 2, 5 above, therefore, are rejected by the same rationale.

Claims 11-18 contain similar limitations found in claims 1-9 above, therefore, are rejected by the same rationale. Moreover, Gary further discloses a quotation system comprises a computer executing a process, a server, a client system for entering quotes (figure 1 and column 8, lines 10-63).

Claims 19-20 are written in computer software and contain similar limitations found in claims 1, 3 above, therefore, are rejected by the same rationale.

Regarding to claims 21-22, Gary further discloses wherein market maker type of participant includes a market maker, and electronic communication network or any

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entity that posts quotes that represent a proprietary position (column 6, line 60-column 7, line 15).

Claims 23-26 contain similar limitations found in claims 2, 4, 8, 9 above, therefore, are rejected by the same rationale.

Claims 27-30 contain similar limitations found in claims 1, 3, 5, 6 above, therefore, are rejected by the same rationale.

Regarding to claims 31-33, Martyn does not disclose the unique identifier is a pound (#) sign, to uniquely identify the entity as an electronic communication network, the unique identifier is another unique four symbol permutation of the market makers' identifier, or is a unique four symbol representation. However, placing a symbol (e.g. a pound (#) sign) adjacent an identification indicating a special identification, or creating an identification comprises four symbol permutation, or four symbol representation are well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to modify Martyn's market makers' identification to incorporate the well known feature above, for the purpose of providing more convenient and easier for the market maker to monitor and identify the quotes of other market makers.

### ***Conclusion***

6. Claims **1-33** are rejected.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is



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(571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231


Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

  
NGA NGUYEN  
PRIMARY EXAMINER

March 28, 2006